

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
N/S First Avenue, 25 ft. E of \* ZONING COMMISSIONER  
c/l Baltimore Avenue \*  
100 First Avenue \* OF BALTIMORE COUNTY  
13th Election District \*  
1st Councilmanic District \* Case Nos. 94-6-SPH  
John E. Titus, Sr., et ux \*  
Petitioners \*  
\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the subject property located at 100 First Avenue in the Lansdowne community of Baltimore County. The Petition is filed by John E. Titus, Sr. and Sandra J. Titus, his wife, the property owners. The Petitioners seek approval of the nonconforming use of a two apartment dwelling at this site, as more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the public hearing held for this case were the Petitioners/property owners, John E. Titus, Sr. and Sandra J. Titus. Also appearing was a previous owner of the property, Catherine L. Kratz. The Petitioners were represented by Newton A. Williams, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject property is located adjacent to the intersection of First Avenue and Baltimore Avenue in Lansdowne. The site is improved with a two story dwelling and a detached garage. Photographs were submitted of the property and improvements thereon. Presently, the dwelling features two apartments, an upstairs unit and a downstairs unit. Use of the dwelling in this manner is impermissible under the property's existing zoning classification, D.R.5.5, thus, the Petitioners' request relief for continued apartment use of the property as nonconforming.

Mrs. Kratz testified that she was owner of the subject property for many years, from 1955 through 1978. She produced a settlement sheet which showed the date that she acquired the property to be June 29, 1955. However, she indicated that she was familiar with the property for at least six months before the date of settlement. When the property was purchased by her and her husband, it was used in the same manner as today. That is, the dwelling then contained both an upstairs and downstairs apartment unit. During the period of her occupancy, which lasted for the next 23 years, the dwelling continued to be used in that fashion. She testified that there was never a period of discontinuance or abandonment of the two apartment use during that period.

In 1978, Mrs. Kratz sold the dwelling to Mr. Titus' mother. The property continued under her ownership until acquired by the Petitioners in December of 1992, from Mrs. Titus' estate. The testimony from the Petitioners was that the apartment use has continued uninterrupted since 1978.

Mr. Newton Williams also outlined the zoning history of the site. From 1945 to 1955, under the old zoning regulations, the property was zoned "Cottage A" which permitted a two apartment dwelling. When the regulations were comprehensively amended in 1955, the property was zoned R-6 which also permitted two apartments as of right. Only when the property was rezoned to the D.R. classification in 1971 was the apartment use prohibited.

Nonconforming uses are regulated by Section 104, et seq. of the Baltimore County Zoning Regulations (B.C.Z.R.). In essence, the determination of a nonconforming use legitimizes an otherwise illegal use. In the instant case, if the Petitioners can prove that the said use existed legally prior to the adoption of the zoning classification, which now prohibits

-2-

said use, the nonconforming use may continue. Further, the Petitioners must show that said use was not abandoned or discontinued, as more fully set forth in Section 104 of the B.C.Z.R.

In this case, the testimony was overwhelming and uncontradicted. Clearly, the site has been used as a two apartment dwelling for many years, possibly as far back as the late 1940s. In any event, it is certain that the use has existed continuously and uninterruptedly in the same manner since, at least, early 1955, when Mrs. Kratz became familiar with the property and subsequently purchased same. Thus, the Petitioners have met their burden to establish a legal nonconforming use and the Petition for Special Hearing herein shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of August, 1993, that, pursuant to the Petition for Special Hearing, approval of the two apartment use of the property as a nonconforming use in a D.R.5.5. zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/mm

-3-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

August 9, 1993

(410) 887-4386

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Newton Williams, Esquire  
Court Towers  
210 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition for Special Hearing  
Case No. 94-6-SPH  
John E. Titus, Sr., et ux, Petitioners  
Property: 100 First Avenue

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

cc: Mr. and Mrs. John E. Titus, Sr.  
5720 Miami Court, Baltimore, Md. 21227

ORDER RECEIVED FOR FILING  
Date 8/9/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/9/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 8/9/93  
By [Signature]

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 100 First Ave., Baltimore, MD 21227  
which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The nonconforming use of a two apartment dwelling

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address Phone No.  
City State Zipcode  
Legal Owner:  
JOHN Eugene Titus Sr.  
(Type or Print Name)  
Signature  
Sandra Jean Titus  
(Type or Print Name)  
Signature  
5720 Miami Court (410) 379-9457 (P)  
Baltimore Maryland 21227  
City, Address and phone number of representative to be contacted  
Name  
Address Phone No.  
City State Zipcode  
OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING 1 hour  
Responsible for Hearing  
See following date: Next Two Months  
All OTHER  
REVIEWED BY: [Signature] DATE 7/2/93

#### SCHEDULE A

BEGINNING FOR THE FIRST at the Northeast corner of First and Baltimore Avenues and running Easterly binding on the North side of First Avenue 50 feet to Lot 203, thence North binding on Lot No. 203 and parallel with Baltimore Avenue 113'1" more or less to a Back line common to all Lots of Lansdowne fronting on the North side of First Avenue thence West binding on said Back line and parallel or nearly parallel with First Avenue 50 feet more or less to Baltimore Avenue and South binding on the East side of Baltimore Avenue 111'3" more or less to the place of beginning. The improvements thereon being known as No. 100 First Avenue.

Item #7

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13th  
Posted for: Special Hearing  
Petitioner: John E. Titus Sr. & Sandra J. Titus  
Location of property: 100 First Ave., N/S. 25' E. of Baltimore Ave.  
Location of Sign: [Signature]  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 7/19/93  
Date of return: 7/19/93

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/15, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15, 1993

THE JEFFERSONIAN,  
A. H. Hemickson  
LEGAL AD. - TOWSON  
REMARK:

#### receipt

Baltimore County  
Zoning Administration &  
Development Management  
111 West Calverton Avenue  
Towson, Maryland 21204

Account: R-0014150

Number

Item # 7

Taken JF.

Date 7/2/93

John E. & Sandra Titus ... 100 First Ave.

# 030 - Special Hearing ---- \$ 50.00

# 080 - Sign ---- \$ 35.00

\$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

JULY 9, 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-6-SPH (Item 7)  
100 First Avenue  
N/S First Avenue, 25' E of c/l Baltimore Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): John E. Titus, Sr. and Sandra J. Titus  
HEARING: THURSDAY, AUGUST 5, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.  
Special Hearing to approve the non-conforming use of a two apartment dwelling.

*Carl John*  
Arnold Jablon  
Director

cc: John and Sandra Titus/5720 Miami Court/Baltimore MD 21227  
Jackie Harris/3213 Stafford Street/Baltimore MD 21113

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FEE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 28, 1993

Mr. and Mrs. John Eugene Titus, Sr.  
5720 Miami Court  
Baltimore, MD 21227

RE: Case No. 94-6-SPH, Item No. 7  
Petitioner: John Eugene Titus, Sr., et ux  
Petition for Special Hearing

Dear Mr. and Mrs. Titus:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

SHA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 16, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 1, 3, 7, 470, 473, 474, 475 and 476.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*  
Division Chief: *Carol L. Kenna*

PK/JL:lw

001.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee  
FROM: Jerry L. Pfeifer, Captain  
Fire Department  
SUBJECT: July 19, 1993 Meeting

DATE: July 9, 1993

- #473 - No comments  
#474 - No comments  
#475 - No comments  
#476 - No comments  
#477 - Building shall be built in compliance with the 1991 Life Safety Code.  
#1 - No comments  
#2 - No comments  
#3 - No comments  
#4 - No comments  
#5 - No comments  
#6 - A fire hydrant is required at the entrance to the site.  
- Building shall be built in compliance with the 1991 Life Safety Code.  
#7 - No comments

JLP/dal  
cc: File

BALTIMORE COUNTY, MARYLAND  
ZONING VIOLATION

Staff: HEK

Date: 3-30-93  
EDist: 13

CITIZEN INFORMATION

Name: Miss Jackie Harris  
Community Association:  
Address: 3213 Stafford St.. 21113

Phone: (home)/N/A work)

PROBLEM LOCATION

Address: 100 First Ave. 21227  
SFD - operating two apartments.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

May 19, 1993

(410) 887-3353

Mr. and Mrs. John Eugene Titus, Sr.  
100 First Avenue  
Baltimore, Maryland 21227

Re: Case No. C-93-2009  
100 First Avenue  
13th Election District

Dear Mr. and Mrs. Titus, Sr.:

A complaint has been filed with this office in reference to an illegal conversion (apartments) at the above location, which is zoned D.R.5.5. Our records indicate that the property lot size is 5600 square feet. This lot size is not sufficient for two apartments per Section 101 of the Baltimore County Zoning Regulations. Therefore, the only recourse for you, as property owner, would be to bring this property into compliance by converting it back into a single-family dwelling or to file for a special hearing to show that this dwelling was converted into apartments prior to 1955. You can file for a special hearing by calling the development management office at 887-3391 to set up an appointment.

Failure to comply by July 1, 1993 will result in the issuance of a citation, wherein you are subject to a civil penalty of \$200 per day, per violation, and each day shall be considered a separate violation.

If you have any question, please contact me at 887-3351.

Sincerely,

*Kevin R. Connor*  
Kevin R. Connor  
Zoning Inspector

KRC/sh  
c: Occupant  
File

Printed on Recycled Paper

PLEASE PRINT CLEARLY

~~PERSONNEL(S)~~ SIGN-IN SHEET

NAME  
JOHN & SANDRA TITUS  
NEWTON WILLIAMS  
Catherine L. Kratz

ADDRESS  
5720 MIAMI COURT ELKRDG MD 21227  
210 WEST PENNSYLVANIA TOWSON MD 21204  
6361 Montgomery Rd.



**Plat to accompany Petition for Zoning** ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 100 First Ave.  
 Subdivision name: Lansdowne  
 plat book: 201 relates to lot 100  
 OWNER: John E. and Georgia J. Titus

see pages 5 & 6 of the CHECKLIST for additional information

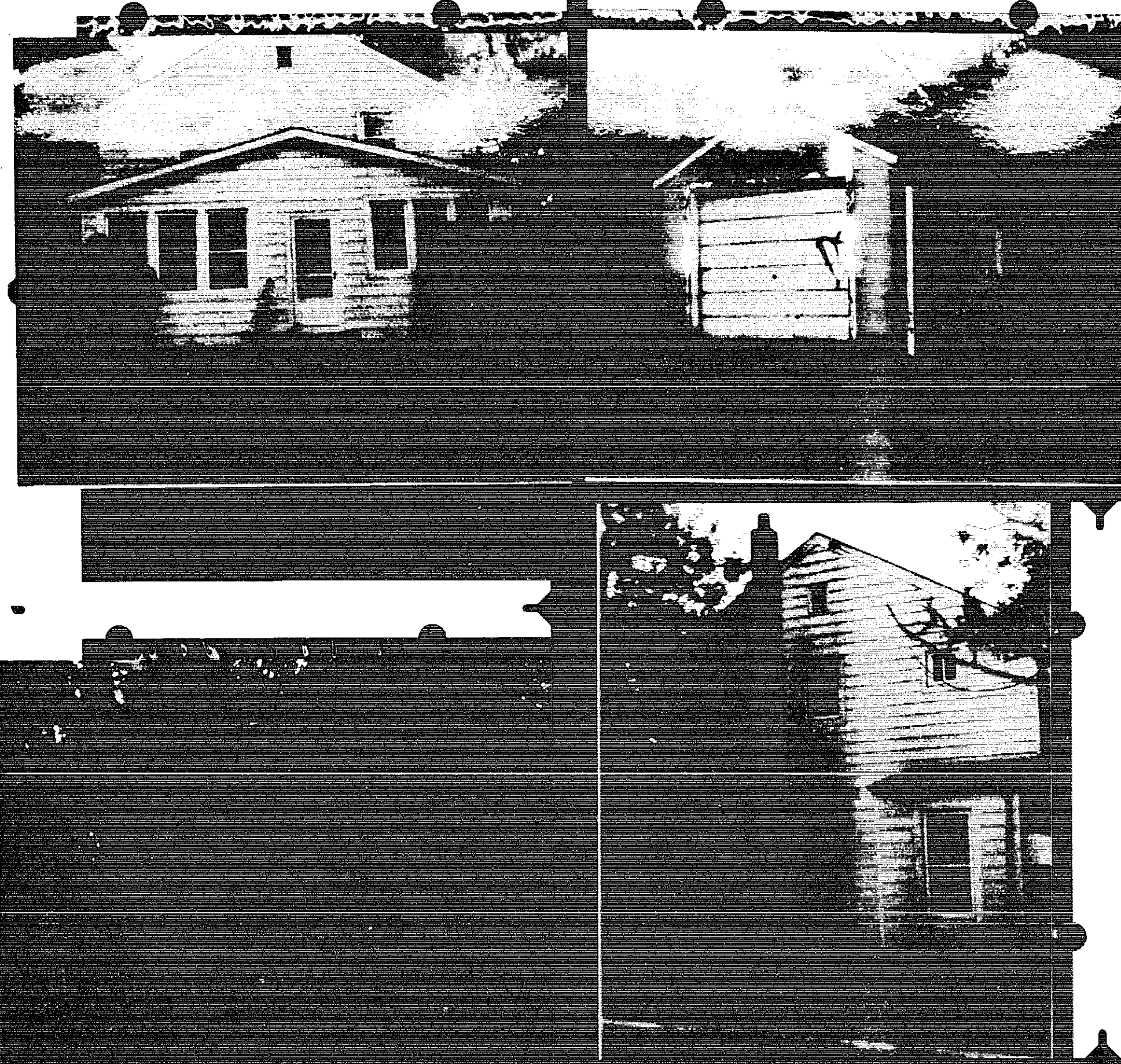
Lot Number: 201 and 202  
 Plat Book: 201 relates to lot 100  
 Date: 6/29/55 Page 14

Scale: 1"=1000'

**LOCATION INFORMATION**  
 Election District: 13th  
 Councilmanic District: 1st  
 1"=200' scale map: SV 5-C  
 Zoning: DR 5.5  
 Lot size: 128 5600 square feet  
 SEWER: ☒  
 WATER: ☒  
 Chesapeake Bay Critical Area: ☐  
 Prior Zoning Hearings: NONE

**Zoning Office USE ONLY**  
 reviewed by: JP ITEM #: 7 CASE#: 74-6-SPH

Scale of Drawing: 1"= 40'



**THE SECURITY TITLE GUARANTEE CORPORATION OF BALTIMORE**  
 THE ROOSEVELT BUILDING 113 EAST BALTIMORE STREET  
 BALTIMORE 2, MARYLAND Date: June 29, 1955  
 App. No. 29180

**MEMORANDUM OF SETTLEMENT**

SALE MEMORANDUM made by EDWARD J. WILLIGAN AND ALBERTA L. WILLIGAN  
WILLIAM L. KATZ, SR. AND CATHERINE L. KATZ, HIS WIFE  
 Property: 100 First Avenue Adjustment made to: June 29, 1955

**CREDIT THE SELLER** 200 MORTGAGES  
 Amount of purchase price: 6500 132 98  
 19... taxes paid in advance: 6 months 1 days 33  
 Interest on... purchase money: months days  
 House rent: months days

**DEDUCT FROM SELLER:**  
 Cash paid on account: 500 7 13  
 Revenue Stamps: U.S. 3.58 Md. 3.57  
 1955 taxes (current year): 12 months 1 days  
 1952 water rent (current year): months days  
 Ground rent (current period): months days  
 House rent: months days

**ITEMS DUE BY SELLER:**  
 Mortgage and interest thereon: Baltimore Federal S/L Association 4914 38  
 Mortgage and interest thereon: Long Release 3 00  
 Recording release of mortgage: 19 15  
 Judgments and costs and interest thereon: 700 00  
 Liens for paving footway or alley: 5636 53  
 Additional Costs: 489 36  
 Hypothecation: 489 36

**NET BALANCE DUE SELLER** 489 36

**COSTS:**  
 Fee for title examination: 80 10 00  
 Fee for preparation of papers: 55 25 00  
 Fire insurance: 15 13 00  
 Notary fees: 13 00  
 Loan Service Charge: 13 00  
 Committee fee: 13 00  
 Lien Report: 14 30 00  
 Revenue Stamps: U.S. 7.15 Md. 7.15  
 Recording: 18 00  
 Interest on \$6000.00 32 days @ 6%: 32 00

**FIXED EXPENSES TO MORTGAGEE:**  
 Proportion of interest expenses due this date deposited with Mortgagee: 161 78  
 Taxes: 405 33  
 Ground Rent: 6125 83  
**TOTAL COSTS AND EXPENSES** 6731 18

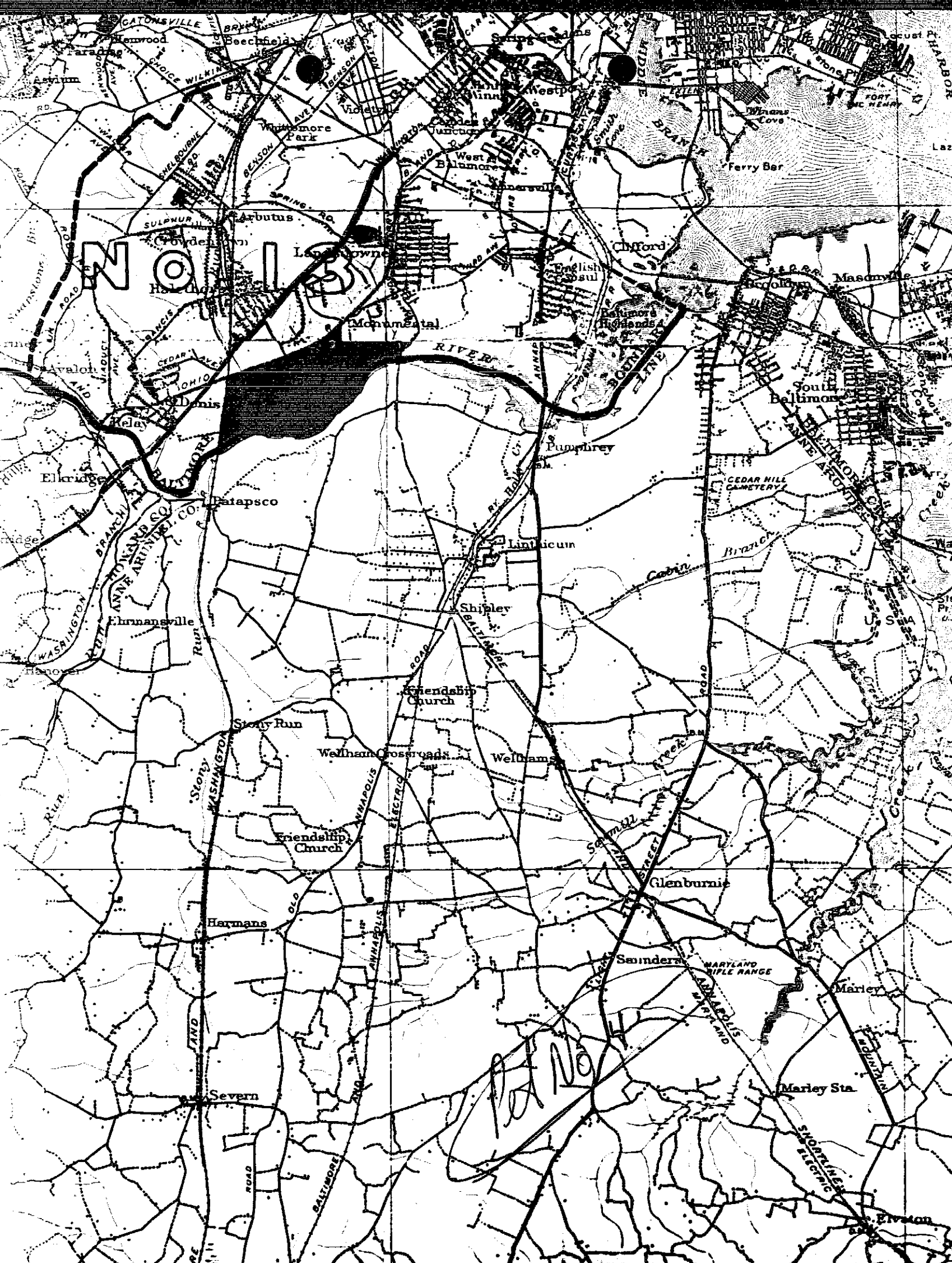
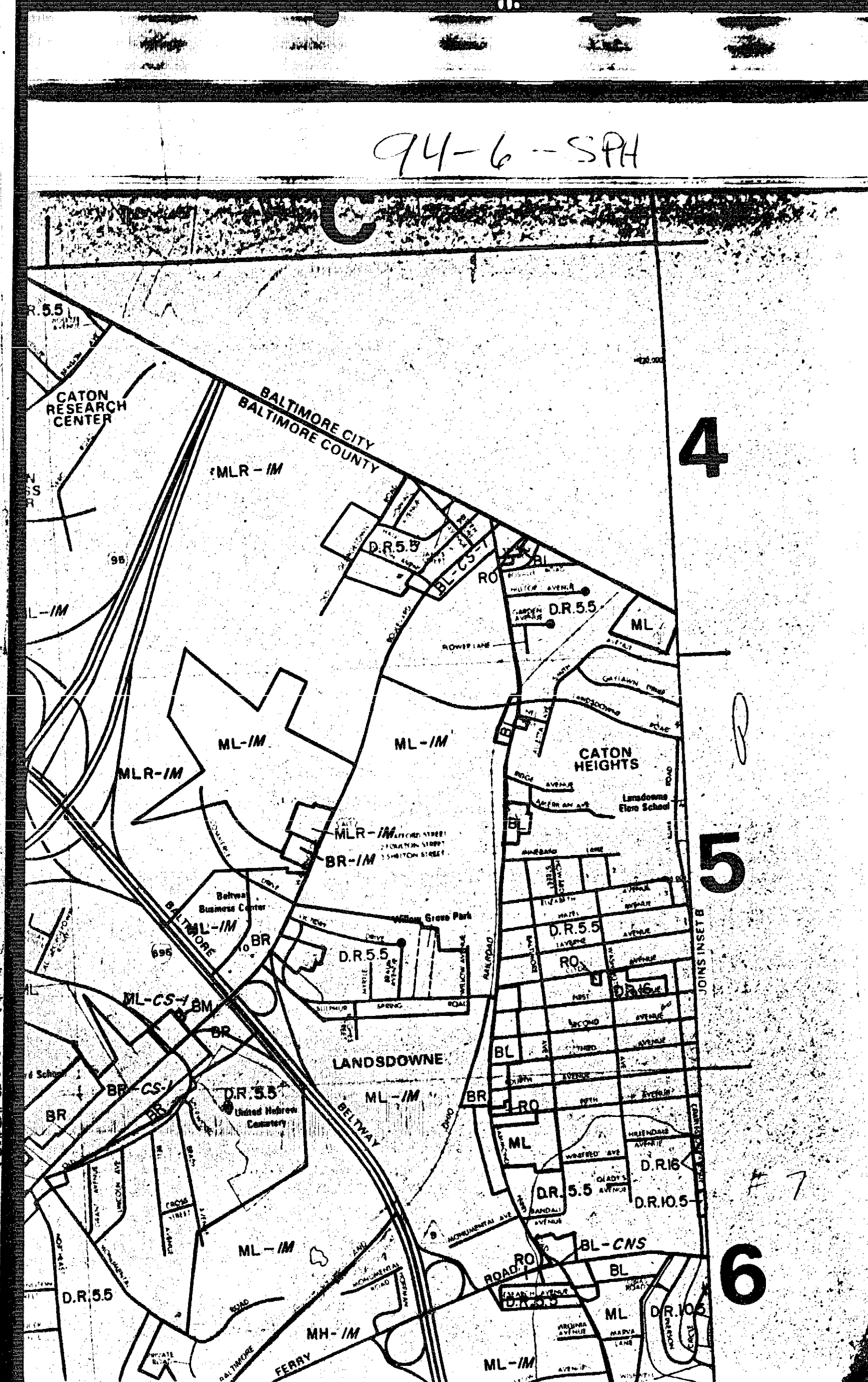
**\*GROSS AMOUNT DUE SELLER** 6731 18

**AMOUNT DUE BY PURCHASER** 6000 00

**AMOUNT OF MORTGAGE LOAN** 531 16

**BALANCE TO BE PAID BY PURCHASER—TO MORTGAGEE** 531 16

**INFORMATION:**  
 Monthly payments start: August 1, 1955  
 Monthly payments: \$60.00  
 Principal and interest: \$150.00 in name of Henry Strohecker  
 F.H.A. Insurance: 11.25  
 Monthly payments: \$60.00



**IMPORTANT**  
**FIRST B. CO ZONING**  
**REGULATIONS**

**ZONING REGULATIONS AND RESTRICTIONS**  
 FOR  
 BALTIMORE COUNTY

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CONFIRMED DATE 3/21/55

**SECTION II—ZONES**

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone - (Cottage)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - (Apartment)
- "D" Residence Zone - (Group)
- "E" Commercial Zone
- "F" Light Industrial Zone
- "G" Heavy Industrial Zone

**SECTION III—"A" RESIDENCE ZONE**

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

- Church, parochial school, convent or monastery.
- Dwelling, single family.
- Dwelling, two-family.
- Farming and buildings incidental thereto.
- Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

**BALTIMORE COUNTY**  
**ZONING REGULATIONS**  
 ADOPTED BY  
 COUNTY COMMISSIONERS  
 OF  
 BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham  
 President

Robert B. Hamill  
 Augustine J. Muller  
 County Commissioners of Baltimore County

Francis T. Peach  
 County Solicitor

George M. Berry  
 Deputy Solicitor

Willie H. Adams  
 Zoning Commissioner

*Handwritten notes:*  
 1. Now - zoning regulations  
 2. C - Denise Williamson  
 3. The 1955 Regs. were first mimeographed  
 4. Then printed & stapled with a soft cover  
 5. Then came out with black look - at least a year later - many amendments & changes



94-6-SPH



G-SW G-SE  
C-NW C-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William L. Howard*  
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	HALETHORPE	S.W. S-C
DATE OF PHOTOGRAPHY		
JANUARY 1986		

SITE

From #7